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**FRANK REMITTITUR
HELD**

**UP IN SUPREME
COURT**

Counsel Asks Delay
Until Ap-
peal to Full Bench in U.
S.

Court Monday

Counsel for Leo M. Frank will have an opportunity to present their petition for a Writ of Error to the United States Supreme Court before the remittitur from the Georgia Supreme Court reaches the Fulton Superior Court.

The remittitur, it was stated at the office of the clerk of the State Supreme Court Wednesday, would not be sent down until next Tuesday. Reporters from Washington are to the effect that Frank's Attorneys plan to take their petition before the full bench of the Federal Supreme Court Monday. It is understood that they have requested that the remittitur be held up until they have had an opportunity to take this action.

It appears the Attorneys have abandoned the plan of taking the petition to each of the Justices of the Federal Supreme Court in turn, which, following Justice Lamar's refusal to allow the Writ, it was reported from Washington they would do.

Henry C. Peeples, one of Frank's Attorneys, returned from Washington at noon Wednesday to confer with Attorney John L. Tye, and other members of the condemned man's Counsel. He stated it had not been definitely decided just what would be the next move. Mr. Peeples did not know whether he would return to Washington to assist in presenting the petition Monday. He said he would go back if he was summoned to do so.

Mr. Peeples said that in his statement declining the petition for a Writ of Error Justice Lamar made it clear that he had not considered the merits of the Constitutional Point urged, but that the question of practice was alone considered by him.

In its adverse decision on Frank's motion to set aside the verdict on the constitutional grounds that he was not present in Court when the verdict against him was rendered the State Supreme Court held that Frank should have made this point in his motion for a new trial, and should not have waited until after his new trial motion had been denied. This ruling by the State Supreme Court defined the practice in Georgia in such Cases, and Justice Lamar declined the practice in Georgia in such Cases, and Justice Lamar declined the Writ on the grounds that the constitutional point should have been made in accordance with the practice laid down in Georgia.
